



EFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kaname Joushita

Serial No.: 10/695,456 Group Art Unit: 3611

Filed: October 29, 2003 Examiner: Lee Sin Yee Lum Vannucci

For: ELECTRIC POWER STEERING DEVICE AND JOINT

Honorable Commissioner of Patents
Alexandria, VA 22313 - 1450

APPLICANT'S INTERVIEW SUMMARY

Sir:

Applicant appreciates the courtesies extended to Applicant's representative during a telephone interview on June 2, 2006.

During the telephone interview:

1. No exhibit was shown and no demonstration was conducted.
2. No claims were discussed.
3. No reference was discussed.
4. The drawing objection was discussed.
5. During the personal interview, the Applicant's representative pointed out that the May 26, 2006, Office Action repeats a drawing objection and alleges that this objection "has yet to be addressed" by the Applicant.

Applicant's representative also pointed out that this drawing objection has been addressed in the Remarks of the Amendment that was filed on January 20, 2006, and in the Remarks of the Amendment that was filed on July 27, 2005.

Further, Applicant's representative explained that the drawing objection was improper.

In particular, the Office Action objects to the drawings because “the ‘elastic member 45’ is not correctly depicted with alternately-heavy cross-hatching.” (Emphasis original).

Applicant respectfully traverses this objection.

As clearly defined by M.P.E.P. § 608.02, alternately-heavy cross-hatching is used to illustrate a “section of synthetic resin or plastic” (emphasis added) and is not used to represent an elastic material. None of the claims require the use of a synthetic resin or plastic.

Therefore, there is no requirement to modify the drawings to indicate a “synthetic resin or plastic” when the claims do not require a “synthetic resin or plastic.” The drawing objection is clearly improper.

6. No other pertinent matters were discussed.

7. Results of the Interview:

The Examiner acknowledged that the allegation by the May 26, 2006, Office Action that the drawing objection “has yet to be addressed” by the Applicant was erroneous.

The Examiner next attempted to allege that the definition of “elastic” is equivalent to “synthetic resin or plastic.” Applicant’s representative pointed out that the Examiner is very clearly mistaken as to the definition of elastic.

“Elastic” is well-known to be defined as “capable of sustaining deformation without permanent loss of size or shape.” (McGraw-Hill Dictionary of Scientific and Technical Terms, 4th Ed., 1984, page 612.

Clearly, an elastic member does not have to be a “synthetic resin or plastic” and, therefore, since the claims do not recite “synthetic resin or plastic” there is no requirement to modify the drawings to include alternate-heavy cross-hatching which is defined by M.P.E.P. § 608.02 as indicating a “synthetic resin or plastic.”

The Examiner next alleged that she has repeated this very same drawing objection many times before and that other attorneys have not objected to the drawing objection.

Applicant respectfully submits that the prosecution history of other applications are not relevant to the patentability of the present application.

Further, the allegation that other attorneys have caved into the Examiner on this issue, is not the type of foundation upon which the Examiner should base the validity of the Examiner's drawing objection.

The Examiner indicated that she would speak with the Examiner's Supervisor regarding this issue.

Applicant respectfully requests withdrawal of the drawing objection.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 4/8/04

Respectfully Submitted,



James E. Howard
Registration No. 39,715

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254